

SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS

INSTRUCTIONS FOR ATHLETIC AGENT APPLICATION*

- A. The **Applicant** should fully complete the **Athletic Agent Certificate of Registration** form, in its entirety.
- B. Each person as defined by section 59-102-20(2) 'athlete agent', including applicant, who is expected to solicit student athletes as defined by section 59-102-20(12) on behalf of applicant should fully complete an **Athletic Agent Employee** form. (See Question 8., of the Athletic Agent Certificate of Registration).
- C. If the business is a Corporation or LLC submit: 1) a certified copy of the last CERTIFICATE OF EXISTENCE, dated not more than 180 days prior to the date of the application, issued by the South Carolina Secretary of State; 2) a copy of your ARTICLES OF INCORPORATION or ARTICLES OF ORGANIZATION (Copies of Articles or Certificates of Existence may be obtained by contacting the South Carolina Secretary of State's Office at (803) 734-2158); and 3) Out of State Corporations must also submit a certified copy of an Application by a Foreign Corporation OR LLC for a Certificate of Authority to Transact Business in the State of South Carolina. ALL OUT OF STATE CORPORATIONS OR LLCs MUST FILE WITH THE SOUTH CAROLINA SECRETARY OF STATE.
- D. Submit a proposed copy of your **athletic agent agreement** which must comply with section 59-102-100 of the Uniform Athlete Agent Act of 2004.
- E. On receipt of the items in A-D and a **\$500.00 application fee** by check made payable to the S.C. Department of Consumer Affairs, the Administrator or his designee will review the application and forms to determine whether issuance of the Certificate to the applicant would comply with the requirements of the Uniform Athlete Agent Act of 2004.
- F. The Administrator or his designee will then:
 - 1. Deny issuance of a Certificate; or
 - 2. Inform the applicant that a Certificate will be issued.
- G. The Administrator or his designee will issue a Certificate to do business. The Certificate of Registration is valid for two years. It MUST BE **RENEWED BIENNIALY by May 7th**. The renewal fee is \$300.00.
- H. Submit application materials to: Legal Division, S.C. Department of Consumer Affairs, P.O. Box 5757, Columbia, SC 29250-5757.

* APPLICANTS WHO HAVE FILED IN OTHER STATES MAY SUBMIT ALTERNATE DOCUMENTS ONLY IN THE FOLLOWING CIRCUMSTANCES:

For **New** applicants [SECTION 59-102-50(B)]:

- I. An applicant for registration in this State, who has applied for and holds a certificate, registration, or licensure as an athlete agent in another state, may submit a copy of that application and certificate instead of submitting an application in the form prescribed pursuant to subsection (A). The Department of Consumer Affairs shall accept the application and the certificate from the other state as an application for registration in this State if the application to the other state:
 - (a) was submitted in the other state within six months next preceding the submission of the application in this State and the applicant certifies that the information contained in the application is current;
 - (b) contains information substantially similar to or more comprehensive than that required in an application submitted in this State; and
 - (c) was signed by the applicant under penalty of perjury.

For **Renewal** applicants [Section 59-102-60 (E)]:

- II. A person who has submitted an application for renewal of registration or licensure in another state may file a copy of that application for renewal and a valid certificate of registration or licensure from the other state instead of submitting an application for renewal in the form prescribed pursuant to subsection (D). The Department of Consumer Affairs shall accept the application for renewal from the other state as an application for renewal in this State if the application to the other state:
 - (a) was submitted in the other state within six months next preceding the filing in this State and the applicant certifies the information contained in the application for renewal is current;
 - (b) contains information substantially similar to or more comprehensive than that required in an application for renewal submitted in this State; and
 - (c) was signed by the applicant under penalty of perjury.



STATE OF SOUTH CAROLINA DEPARTMENT OF CONSUMER AFFAIRS

ATHLETIC AGENT CERTIFICATE OF REGISTRATION

Mailing Address

P.O. Box 5757
Columbia, SC 29250-5757

S.C. Code Ann. § 59-102-10 et seq. (Supp. 2004)

www.state.sc.us/consumer
803-734-4236/800-922-1594

Street Address

3600 Forest Drive
Columbia, SC 29204-4406

See Application Instructions. Please Type or Print Legibly

DO NOT FAX THIS FORM

Applicant's Name: _____
Company Name: _____
Mailing Address: _____
Physical Address: _____
Phone: _____
Fax: _____

In order for your application to be processed, complete all of the following questions. Incomplete information could result in delay or denial of your application. This form, as well as, each supplemental form must be notarized.

1. Company name as displayed to public (DBA): _____
Legal Company Name: _____
2. How long has this business been in existence? _____
3. List any and all other names under which you have done business. _____
4. Current business type: ☐ sole proprietorship ☐ partnership ☐ professional association ☐ corporation
☐ limited liability partnership (LLP) ☐ limited liability company (LLC) ☐ other _____

If a South Carolina Corporation, LLP, or LLC, please attach a certified copy of your Articles of Incorporation or Organization. If an out-of-state corporation, LLP, or LLC you must apply to the South Carolina Secretary of State to do business as a foreign corporation LLP, or LLC in South Carolina and submit these Articles before an application will be approved.

5. If a partnership, professional association, or other group list the names and addresses of all partners, members, officers, managers, associates, or profit-sharers of the business, **other than applicant**

Name:

Address:

6. If a corporation, limited liability partnership, or limited liability company, list all members, directors, principal officers, shareholders and employees (including limited or silent partners) who have a five percent (5%) or greater interest in the business, **other than applicant**.

Name:

Address:

7. The following questions should be answered for any persons listed in questions 5., and 6., above, only.

Mark an X in the appropriate box. If you answer "Yes" to any question, give all details on a separate sheet

YES

NO

☐☐

Has the applicant or agent ever been convicted of a felony or of an offense involving breach of trust, moral turpitude or dishonest dealings within the past ten years? Provide details about the offense, including conviction date, court, penalty and attach a certified copy of the Criminal Docket Sheet and the Presentence Investigation Report.

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Has there been any administrative or judicial determination made that a false, misleading, deceptive, or fraudulent representation was made by the applicant or agent?

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Has any licensing or other credentialing agency ever taken any disciplinary action against the applicant or agent, including but not limited to, any warning, reprimand, suspension, probation, limitation or revocation? Provide details, including the name of the agency and date of action.

☐☐

Is disciplinary action pending against the applicant or agent in any jurisdiction? Provide details, including the name of the agency and status of action.

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Has the applicant or agent ever had any civil judgments, lawsuits or liens brought against them? If yes, provide details.

☐☐

Has the applicant or agent ever engaged in any conduct which resulted in the imposition against a student athlete or educational institution of a sanction, suspension, or declaration of ineligibility to participate in an interscholastic or intercollegiate event?

☐☐

Have you read and are you familiar with the Uniform Athletic Agent Act, S.C. Code Ann. § 59-102-10 et seq.?

8. List the name and addresses of the agents, employees or representatives of the Business or Applicant that may be expected to solicit or recruit or assist in soliciting or recruiting student athletes in South Carolina, including applicant.

Name:

Address:

A separate athletic agent employee form must be completed and submitted for each agent listed in 8., above.

9. Does each written contract contain the warning as required in Section 59-102-100(C) of The Code of Laws of South Carolina?
YES ☐ NO ☐

Section 59-102-100(C) provides:

An agency contract must contain, close proximity to the signature of the student athlete, a conspicuous notice in boldface type in capital letters stating:

**'WARNING TO STUDENT ATHLETE
IF YOU SIGN THIS CONTRACT:**

- (1) YOU MAY LOSE YOUR ELIGIBILITY TO COMPETE AS A STUDENT ATHLETE IN YOUR SPORT;**
- (2) IF YOU HAVE AN ATHLETIC DIRECTOR, BOTH YOU AND YOUR ATHLETIC AGENT MUST NOTIFY YOUR ATHLETIC DIRECTOR WITHIN 72 HOURS AFTER ENTERING INTO THIS CONTRACT; AND**
- (3) YOU MAY CANCEL THIS CONTRACT WITHIN 14 DAYS AFTER SIGNING IT. CANCELLATION OF THIS CONTRACT MAY NOT REINSTATE YOUR ELIGIBILITY.'**

Please attach a copy of your form contract or a copy of the model contract you intend to use to this application. Contract requirements are contained in Section 59-102-100 of the Uniform Athletic Agents Act of 2004.

SWORN TO AND SUBSCRIBED before me

this _____ day of _____, 20____

Signature

Notary Public For _____

My Commission Expires: _____

Print name, Business Relationship or Title